

REMARKS/ARGUMENTS

Claims 1-14 are rejected under judicially created doctrine of obviousness-type double patenting over USP 6,596,462 in view of Teng. To avoid the rejection, applicant has filed, concurrently herewith, a TERMINAL DISCLAIMER.

Claims 1-3, 5-6, 9 and 13-14 are rejected under 35 USC 103 as being unpatentable over Vander Aa. Vander Aa is a U.S. patent publication with a filing date of December 7, 2001. Applicant, therefore, wishes to rely on his priority date to predate this publication. To complete the claim to priority, annexed hereto is a sworn translation of JP 021569/2001 which was filed January 30, 2001.

As can be seen from the translation, the specification of the JP is substantially the same as the specification of the present application.

Applicant notes that Vander Aa claims priority of a provisional application, the content of which is not of record. However, for the possibility that the provisional application supports the Examiner's rejection, the following is noted.

The emulsion ink required in the present claim 1 is an oil-based ink containing water. The emulsion ink is described in page 13, the last paragraph of the present specification for example as having a composition of an oil part to an aqueous part from 70/30 to 40/60 by weight.

Whereas, a single-fluid ink in claim 1 of Vander Aa is non-aqueous. The property of the single-fluid ink of Vander Aa is described in page 2, paragraph [0012]. The property of the emulsion ink of the present invention is not shown or suggested by the single-fluid ink of Vander Aa.

Thus, the present invention is not shown or suggested by the Vander Aa provisional application assuming it has the same disclosure as the publication.

Moreover, applicant has carried out additional testing in order to prove unexpectedly superior effect of the present invention as compared to the single-fluid ink of Vander Aa. As is demonstrated in the enclosed DECLARATION, the single-fluid inks of Vander Aa cannot achieve the high level of printing property compared with the emulsion ink of the present invention. (An executed version of the DECLARATION is expected to be filed shortly).

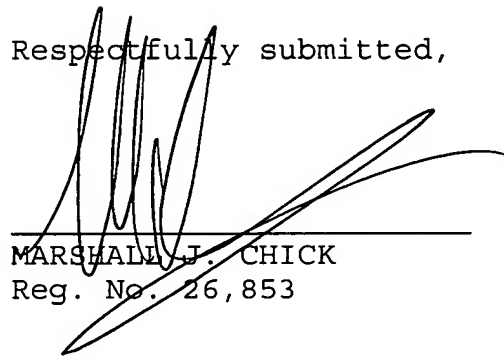
Appl. No. 10/056,152

Reply to Office Action of July 25, 2003

In view of the above, it is submitted that the present claims are free of all of the rejections of record. Withdrawal of the rejections and allowance of the application are respectfully requested.

Frishauf, Holtz, Goodman
& Chick, P.C.
767 Third Ave., 25th Floor
New York, NY 10017-2023
Tel. No. (212) 319-4900
Fax No.: (212) 319-5101
MJC/ld

Respectfully submitted,



MARSHALL J. CHICK
Reg. No. 26,853

Encs. DECLARATION UNDER 37 CFR 1.132 of Takahiro MORI
(unexecuted)

Sworn English Translation of JP 021569/2001